

REMARKS/ARGUMENTS

Claims 1-35 are active in this application. Claims 6, 7, 9-13, 27-30, 33 and 34 have been withdrawn.

Support for the amended claims is found on page 28, lines 14-15 of the present application.

No new matter is believed to have been added.

The pending claims in this application are directed to a composition comprising at least one structuring polymer; at least one oil selected from the group consisting of hydrocarbon-based liquid oils and silicone oils; and silicone elastomer particles comprising a silicone rubber core coated with and bonded to silicone resin. As discussed on page 2, lines 12-16, the composition surprisingly provides compositions with “noteworthy cosmetic properties.” Moreover, as discussed throughout the specification, the claimed compositions, in addition to providing good cosmetic properties, are stable (see, e.g., page 1, lines 15-20). These statements are supported by the Rule 132 Declaration of one of the named inventors, Dr. Lu, previously made of record in this case.

Applicants thank the Examiner for withdrawing the rejection based on Hansenne.

The rejection based on EP 1 266 648 to Ferrari is not applicable to the claims as presented herein. Notably, the Ferrari EP application does not describe silicone resin coating **and bonded to** silicone rubber cores (e.g., KSP powders—see page 28 of the present application). Nonetheless, as outlined on pages 2-3 of the Action, the Examiner alleges that “*mixing of the silicone elastomer powder and amphoteric siloxane would give rise to a silicone surface coated silicone elastomer powder, reading on the presently claimed component (iii).*” Notwithstanding this conclusion, even assuming that a coated product would result, certainly the Examiner will agree that a silicone elastomer particles comprising

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a silicone rubber core bonded to a silicone resin coating would not result from this mixing described in the EP application.

Moreover, as noted above, Applicants have previously provided data in a Declaration demonstrating that compositions containing a structuring polymer, an oil and silicone elastomer particles of a silicone rubber core bonded to a silicone resin coating (KSP-100, see page 28 of the specification as well) are more stable while at the same time providing good textural properties when compared to compositions not containing all of these ingredients (see paragraph 4 of the Declaration).

As explained by Dr. Lu in paragraph 10 of the Declaration:

The results of these experiments demonstrated that the preparation of a composition combining a structuring polymer (using nylon-611/dimethicone copolymer as representative) and silicone elastomer particles of a silicone rubber core coated with silicone resin (using KSP-100 as representative) with oil surprisingly provides stable compositions which are suitable for cosmetic use (in terms of texture) compared to similar compositions containing only the structuring polymer. In addition, I have no reason to believe that the results obtained with nylon-611/dimethicone and KSP-100 as a representative of the structuring polymer and coated silicone elastomer would not be similar for other combinations of as defined in the claims of the present application.

Moreover, Dr. Lu explains in paragraph 11 that:

These results are important because they demonstrate that the combination of the components in the claimed composition has significant advantages as discussed above. While the structuring polymer and the coated silicone elastomer were known separately for use in cosmetics, there was not a discussion of combining these nor that in combination these two components one could obtain a composition having the stability and texture properties observed for compositions as claimed.

In view of the above, Applicants request that the rejection under 35 USC 102(b) and 103(a) be withdrawn.

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A Notice of Allowance for all pending claims is also requested.

Respectfully submitted,

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